



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 20, 1996

Ms. Judith A. Hunter
Paralegal
City Attorney's Office
City of Georgetown, Texas
P.O. Box 409
Georgetown, Texas 78627-0409

OR96-0359

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39023.

The City of Georgetown (the "city") received a request for a copy of all information concerning a certain offense report. You say the city provided the requestor a copy of the front page of the offense report and the booking slip. The city seeks to withhold from required public disclosure all other requested information pursuant to section 552.108 of the Government Code.

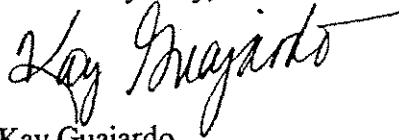
Section 552.108 excepts from required public disclosure all information related to cases under active investigation except certain basic information that ordinarily appears on the first page of an offense report. See Open Records Decision Nos. 616 (1993), 127 (1976) (citing *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.- Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976)). First page offense report type information may also be withheld under section 552.108 when the governmental body demonstrates that the release of that specific information would unduly interfere with law enforcement. Open Records Decision No. 508 (1988) at 2. The location of the information or the label place on it is not determinative of its status under section 552.108. See Open Records Decision No. 394 (1983).

You inform us that as a result of the offense report at issue charges are pending in the Justice Court Precinct 3 of Williamson County, Texas. We therefore conclude that

section 552.108 applies to the requested information. We remind you that the *Houston Chronicle Publishing Co.* case requires you to release a detailed description of the offense. We do not believe the narrative on the first page of the offense report at issue satisfies this requirement.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", with a stylized flourish at the end.

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 39023

Enclosures: Submitted documents

cc: Billie Schultz
110 Bench Mark
Georgetown, Texas 78626
(w/o enclosures)